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1/3/2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTH DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

DEC 19 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Isaac S. Whitman

Plaintiff.

Vs

Francine Washington, President
Central Advisory Council (CAC)

Defendant.

18cv8319
JUDGE BUCKLO
MAG. JUDGE MASON

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, to order the production of company records, consisting of all documents in the possession of the Defendant.
2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).
3. Venue lies in the Northern District of Illinois pursuant to 5 U.S.C. § 552 (a)(4)(B) as Plaintiff resides in this district.
4. Plaintiff, Isaac S. Whitman is a resident at a Chicago Housing Authority (CHA) housing complex located at Lake Parc Apartments, 3939 S. Lake Park Avenue, Apartment 908, Chicago, IL 60653
5. Defendant is the President of the Central Advisory Council located at 243 E. 32nd Street, Chicago, IL 60616 and a component of the Chicago Housing Authority. The Defendant is engaged in advising the residents on housing issues and the allocation of government funds to CHA housing facilities. These government funds are referred to as "Per Unit Yearly" (PUY) and control by the elected Building Council members. It is of utmost important that Plaintiff's mission received timely information to keep its residents informed of government funds allocated to the Building Council housing complex.
6. By letter dated July 24, 2017 Plaintiff sought to get the allocation of PUY Funds to Building Council. This request was ignored by the Defendant. (Exhibit A)

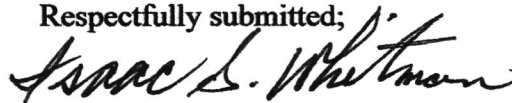
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7. By letter dated January 18, 2018 the Illinois Attorney General State sought the same information and Defendant ignored their request. (Exhibit B
8. Since July 24, 2017 Plaintiff has heard nothing further from Central Advisory Council or a response sent by the Attorney General, State of Illinois dated January 23, 2018.
9. Plaintiff has a statutory right to the records it seeks, and there is no legal basis for Central Advisory Council refusal to release them. Such information included but not limited to the payment of PUY Funds paid to Lake Parc Building Council, 3939 S. Lake Park Avenue, Chicago, IL 60653.
10. There has never been a financial report on PUY Funds received by the Building Council.
11. Defendant failure to release the the requested information violates the Freedom of Information Act, 5 U.S.C. § 552a.

WHEREFORE, Plaintiff prays that this Court:

- (A) Expedite the proceeding in this action;
- (B) Declares that Defendant refusal to disclose the records requested by Plaintiff is unlawful;
- (C) Order Defendant to make the requested records available to Plaintiff.;
- (D) Enjoin Defendant from refusing to comply with subsequent requests for similar documents;
- (E) Award Plaintiff its costs and reasonable attorneys' fees in this action pursuant to 552(a)(4)(E); and
- (F) Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted;



Pro Se, Isaac S. Whitman

Isaac S. Whitman
3939 S. Lake Park Avenue
Chicago, IL 60653
(312) 479-4390

July 24, 2017

**Ms. Francine Washington, President
Central Advisory Committee (CAC)
242 E. 32nd Street, 1st Floor
Chicago, IL 60616**

Via Email

Dear Ms. Washington;

In accordance with the Freedom of Information Act (FOIA), the following information is requested:

- 1. Who is the funding source for CAC?**
- 2. A copy of CAC budget for the current year: calendar or fiscal.**
- 3. The current custodian of Per Unit Yearly (PUY) funds for CHA building
3939 S. Lake Park Avenue.**
- 4. The amount of PUY funds sent to the custodian at CHA building,
3939 S. Lake Park Ave. for the following years:**

**2011
2012
2013
2014
2015
2016 and
2017**

Please send the requested information to:

**Isaac S. Whitman
3939 S. Lake Park Ave., Apt. 908
Chicago, IL 60653**

Or you may email the information to: lskara1981@yahoo.com

Thank you.


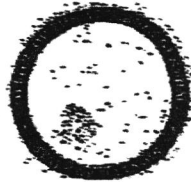

**Isaac S. Whitman
3939 S. Lake Park Ave., Apt. 908
Chicago, IL 60653
(312) 479-4390
lskara1981@yahoo.com**

EXHIBIT A



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

January 23, 2018

Mr. Isaac S. Whitman
3939 South Lake Park Avenue
Apartment 908
Chicago, Illinois 60653

Ms. Francine Washington
President, Central Advisory Committee
Chicago Housing Authority
242 East 32nd Street, 1st Floor
Chicago, Illinois 60616

RE: FOIA Requests for Review – 2017 PAC 49583; 2017 PAC 49584

Dear Mr. Whitman and Ms. Washington:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2016)). For the reasons that follow, the Public Access Bureau concludes that the Chicago Housing Authority's Central Advisory Committee (Committee) violated the requirements of FOIA by failing to provide timely responses to two FOIA requests submitted by Mr. Isaac S. Whitman.

On July 24, 2017, Mr. Whitman submitted a FOIA request to the Committee seeking copies of certain fiscal records, including the Committee's current budget. Additionally, on August 10, 2017, Mr. Whitman submitted a FOIA request to the Committee seeking a copy of the minutes of the meeting held at 3939 S. Lake Park Ave. on April 25, 2017. On September 11, 2017, this office received Mr. Whitman's Requests for Review alleging that the Committee had failed to respond to his requests.

On September 14, 2017, this office sent a copy of each Request for Review to the Committee and asked whether it had received and responded to Mr. Whitman's FOIA requests; if it had received but had not yet responded to the requests, this office asked the Committee to respond to Mr. Whitman and copy this office.

EXHIBIT

B

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On September 19, 2017, Ms. Washington called an Assistant Attorney General (AAG) in the Public Access Bureau and indicated that she had not received the requests but stated that the Committee would issue responses to Mr. Whitman. On October 11, 2017, Mr. Whitman informed this office that he had not heard from the Committee. On October 18, 2017, the AAG contacted Ms. Washington and she stated that the Committee would respond to the requests by October 23, 2017. However, this office did not hear from the Committee. On October 30, 2017, November 3, 2017, November 15, 2017, November 21, 2017, and November 30, 2017, the AAG called and left messages for Ms. Washington. Additionally, on January 19, 2018, the AAG called but was unable to reach Ms. Washington. As of the date of this determination, the Committee has provided no indication that it has responded to Mr. Whitman's requests.

DETERMINATION

"It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with [FOIA]." 5 ILCS 140/1 (West 2016). Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2016)), "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2016)) further provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."

The procedures for responding to a FOIA request are clear. Section 3(d) of FOIA (5 ILCS 140/3(d) (West 2016)) provides that "[e]ach public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section."

It is undisputed that the Committee did not respond to Mr. Whitman's requests within five business days after receipt. Furthermore, as of the date of this letter, there is no indication that the Committee has issued a substantive response to either request. The Committee's failure to provide Mr. Whitman with responsive records or deny his requests in writing within the statutory time period violated section 3(d) of FOIA.

Accordingly, this office requests that the Committee take immediate and appropriate action to provide Mr. Whitman with any records responsive to his July 24, 2017, and August 10, 2017, requests. If any information responsive to the requests is redacted or withheld, the Committee must provide Mr. Whitman with a written notice of denial that includes "a detailed factual basis for the application of any exemption claimed[.]" 5 ILCS 140/9(a) (West 2016).

EXHIBIT B

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This office reminds the Committee that section 3(d) of FOIA provides that "[a] public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for those copies." Section 3(d) also precludes a public body that fails to issue a timely response from denying a request as unduly burdensome. The Committee should be mindful of its obligation to issue timely responses to FOIA requests by all persons in accordance with section 3(d) of FOIA.

The Public Access Counselor has determined that resolution of these matters does not require the issuance of a binding opinion. This letter shall serve to close these matters. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,



JOSHUA M. JONES
Deputy Bureau Chief
Public Access Bureau

49583 49584 f no pb resp mun

EXHIBIT B